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March 23, 2016

VIA ECF

Hon. Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1640
New York, NY 10007

Re: *AmTrust North America, Inc., et al. v.*
Safebuilt Insurance Services, Inc., et al.
Case No. 14-cv-9494
Our File No. 3639-006

Dear Judge McMahon:

We represent Plaintiffs and write jointly with Defendants to move pursuant to Your Individual Rule I(E) to reluctantly request a forty-five (45) day extension of the current discovery deadlines.

Since we last wrote on January 12, 2016, the parties have worked diligently to conduct an additional fifteen (15) depositions (many of which spanned two days and took place across the country) and both sides have made significant additional productions totaling tens of thousands of additional documents as a result of the depositions that have been taken. On March 17, 2016 the parties resolved a number of other discovery disputes before Magistrate Judge Cott. In compliance with Judge Cott's Orders, more document productions will be forthcoming on or before March 31, 2016. Numerous post deposition demands served by both sides also remain outstanding. In addition, certain non-party witnesses are also unavailable for deposition until April or will require potential enforcement actions.

The parties have filed two separate Miscellaneous Actions in the District Court of Montana, Billings Division.¹ These actions, which concern the discoverability of a certain Examination Report and Orders of Supervision concerning Pacific Re, Inc. (the "Report") prepared and entered by the Montana Department of Securities and Insurance. Plaintiffs believe

¹ See Case Nos. MC 16-1-BLG-SPW-CSO and MC 16-2-BLG-SPW-CSO



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the Report contains critical information that, in any event, implicates at least three depositions that have not gone forward as a result of the need for a decision on the discoverability of the Report. The pending motions present questions of first impression concerning provisions of Montana's Insurance Code and are currently scheduled for a joint hearing on April 8, 2016 before Magistrate Judge Caroline S. Ostby. We have requested, and Judge Ostby has stated she will provide, an expedited opinion, but even if one were rendered from the bench on the 8th, which the parties do not believe likely, there would still be insufficient time to depose the remaining witnesses who are located in California and South Carolina, concerning the disputed materials ahead of the current discovery deadline.

Accordingly, as the majority of Plaintiffs' outstanding depositions are dependent on the receipt of the recently ordered discovery items or questioning regarding the contents of the Reports, the parties respectfully jointly request a forty-five (45) day extension of the current fact discovery end date of April 11, 2016.

The requested extension will also benefit nascent resolution discussions, which began at the suggestion of Magistrate Judge Cott following the March 17 hearing. The parties agreed to explore the possibility of mediation, and are in the early stages of working out the framework for that process. Being able to do so while continuing fact discovery would be of great assistance to the parties, as requiring the immediate commencement of costly expert disclosure under the prevailing circumstances would likely complicate matters in a way that might dissuade one or more parties from proceeding with mediation discussions.

As required by Rule 1(E), the parties hereby request an extension of fact and expert discovery from April 11, 2016 and May 23, 2016 to May 23, 2016 and July 7, 2016 respectively; (1) the original discovery closure date was November 20, 2015; (2) there have been two prior requests to extend the discovery end-date (D.E. 63, May 26, 2015; D.E. 154 November 20, 2015), which were denied (M.E. June 9, 2015; D.E. 160 November 30, 2015); (3) on September 24, 2015, the Court extended discovery to February 1, 2016; on January 12, 2016, the Court extended discovery to May 23, 2016; (4) Defendants join this request; and (5) the extension affects no other dates insofar as none have been scheduled past July 7, 2016.

Respectfully submitted,

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Michael D. Brown

MDB/lp

cc: All Counsel of Record (via ECF)